UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICANT: | Alexander Medvinsky | **GROUP ART UNIT:** | 2137 |
| APPLN. NO.: | 10/086,302 | **EXAMINER:** | Gelagay, Shewaye |
| FILED: | February 28, 2002 | Confirmation No.: | 2065 |
| TITLE: | DETECTION OF DUPLICATE CLIENT IDENTITIES IN A | | |
| | COMMUNICATION SYSTEM | | |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

        In response to the Final Office Action mailed from the U.S. Patent and Trademark
Office on May 7, 2007, Applicant requests review of the final rejection in the above-
identified application.  This request is being filed with a Notice of Appeal and required
fee.  An extension of time is requested and this response is accompanied by the fee
required under 37 C.F.R. 1.136(a).  The Commissioner is hereby authorized to charge any
additional fees which may be required at any time during the prosecution of this
application without specific authorization, or credit any overpayment, to Deposit Account
No. 50-2117.

        No amendments are being filed with this request.  The review is requested for the
reasons stated in the remarks below.

<center>STATUS OF CLAIMS</center>

Claims 1-6, 8-12, 18, 20-22, and 24-26 are pending in this application.

The Office Action dated May 7, 2007, rejects claims 1-6, 8, 11-12, 18, 20-22, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,069,877 to Yang (hereinafter "Yang") in view of U.S. Publication Number 2002/0150253 to Brezak et al. (hereinafter "Brezak"). The Office Action also rejects claims 9-10 under 35 U.S.C. § 103(a) as being unpatentable over Yang in view of Brezak and further in view of Tung et al., Public Key Cryptography for Initial Authentication in Kerberos (hereinafter "Tung").

<center>REMARKS</center>

The rejections of claims 1-6, 8-12, 18, 20-22, and 24-26 under 35 U.S.C. § 103(a) are respectfully traversed.

Independent claim 1 requires "receiving a second signal from an entity *prior to the expiration of the time T.*" Similarly, independent claim 4 requires "receiving a second request *during time T.*" Independent claim 18 requires "receiving from an entity, a second request *during the time duration T*" and claim 22 requires "receiving a request *during time T.*" Accordingly, in all of the independent claims of the present application, it is a required feature that "the second request" be received "prior to expiration of time T," "during time T" and "during a time duration T."

In the Office Action dated May 7, 2007, the Examiner states "[a]s per claim 1: Yang discloses a method for detecting clones (unauthorized duplicate identities) of the client, the method comprising: forwarding a first signal from a client, the first signal for requesting access to a server… verifying that the client is authorized to access the server… receiving a second signal from an entity prior to expiration of the time T, the second signal for requesting access to the server, wherein the entity has identifying information identical to the client… and marking the entity as a possible clone or denying the request in order to prevent access to the server...." Office Action, page 2-3.

Applicant respectfully disagrees that Yang discloses "receiving a second signal from an entity prior to expiration of the time T." The portions of Yang cited by the

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Examiner for this feature (col. 3, lines 59-67, and col. 4, lines 6-9) nowhere disclose the claimed limitation "prior to expiration of the time T."

To the contrary, Yang discloses no time restriction on receiving a second signal; the second signal may be received during an unbounded period, having no expiration. Upon receipt of the second signal, Yang teaches determining "if a session is already established in the system 50 . . . under the same apparent device ID as the mobile communication unit 66 currently already making the session request . . ." (col. 10, lines 66-67, and col. 11, lines 1-3). The determination taught by Yang occurs at any time upon receipt of the second signal, with no reference to any time period associated with the validity or expiration of an authentication token.

Accordingly, the Office Action is incorrect in its interpretation of Yang. Yang discloses a network cellular communication system where a mobile communication unit in the network attempts to register to the network and the network determines whether the mobile communication unit is already registered to the network by comparing identification codes. Specifically, if the identification code of the mobile attempting to register is a duplicate to an identification code of a mobile communication unit already registered to the network, the network refuses registration of the mobile communication unit attempting to register. Yang, col. 3, lines 1-6.

Applicant's claims require that a request for access be "received prior to … *expiration of [a] time T*" and "marking the entity as a possible clone or denying the … request in order to prevent access to the server." As demonstrated above, Yang specifically makes no restriction as to when the attempt to register is received by the network. Thus, Yang does not disclose Applicant's claim to receiving a request "prior to … expiration of the time T." Because Yang does not disclose a claimed limitation, the Office Action incorrectly rejects Applicant's claims requiring such a limitation.

Not only does the network of Yang fail to take into account the *time* of the mobile communication unit's attempt to register, Yang *teaches away* from taking into account any time period associated with the validity or expiration of an authentication token. Yang teaches that an initial request table is maintained indefinitely (i.e., without expiration) until an end session request is expressly made: "The mobile communication unit 66 entered into the table will then ***only*** be cleared from the table 340 when the host

computer receives an end session request from the same mobile communication unit 66."
(Col. 11, lines 18-21, emphasis added.) Yang specifically teaches the advantages of such
a system, citing "a strong need in the art for a system that detects and rejects a mobile
communication unit which is attempting to register to a communication system . . . with a
duplicate ID so that a mobile communication unit *already registered* to the
communication system is not *deregistered or dumped* . . ." (Col. 2, lines 34-40.)
Accordingly, Yang teaches away from any requirement that a request for access be
received prior to expiration of any time period.

     Even if Yang were combined with Brezak, Tung, or other prior art references,
Applicant respectfully submits that Yang fails to provide a basis for a rejection under 35
U.S.C. § 103, at least because Yang expressly *teaches away* from receiving the second
signal or request "prior to expiration of time T," "during time T" and "during a time
duration T." Because Yang is an improper basis for rejecting Applicant's claims, the
combination of Yang with Brezak, Tung, or other prior art references, also is an improper
basis for rejecting Applicant's claims.

     Claims not specifically mentioned above are allowable due to their dependence on
an allowable base claim.

     In light of the arguments presented above, it is respectfully submitted that all
pending claims are in condition for allowance. Reconsideration and withdrawal of the
final rejection of the claimed invention is respectfully requested.

Respectfully submitted,

ALEXANDER MEDVINSKY

Date: <u>November 7, 2007</u>       BY:   <u>/Stewart M. Wiener/</u>
                                      Stewart M. Wiener
                                      Registration No. 46,201
                                      *Attorney for Applicant*

MOTOROLA, INC.
101 Tournament Drive
Horsham, PA 19044
Telephone: (215) 323-1811
Fax: (215) 323-1300